

STATE OF NEW JERSEY
DEPARTMENT OF LAW & PUBLIC SAFETY
DIVISION OF CONSUMER AFFAIRS
BOARD OF NURSING

IN THE MATTER OF THE
LICENSE OF

JORGE J. MORALES, L.P.N.
License # 26NP06731300

TO PRACTICE NURSING IN THE
STATE OF NEW JERSEY

Administrative Action

**FINAL ORDER
OF DISCIPLINE**

This matter was opened to the New Jersey State Board of Nursing ("the Board") upon receipt of information which the Board has reviewed and upon which the following findings of fact and conclusions of law are made:

FINDINGS OF FACT

1. Jorge J. Morales ("respondent") is a Licensed Practical Nurse (LPN) in the State of New Jersey, and has been a licensee at all times relevant hereto.
2. On or about February 22, 2013, the Board issued a letter of inquiry asking respondent, inter alia, to provide information concerning a February 3, 2013 arrest for endangering the welfare of children and simple assault and asking for documentation of continuing education courses completed during the last three years.
3. The letter of inquiry was sent to respondent's address of record by certified and regular mail. The certified mailing was delivered on March 14, 2013. The regular mailing was not returned. The Board received no response.

4. Respondent indicated on his 2013 renewal application that he would have completed all required continuing education for the June 1, 2011 – May 31, 2013 licensing period by May 31, 2013.

CONCLUSIONS OF LAW

Respondent's failure to respond to a Board inquiry constitutes a failure to cooperate with a Board investigation in violation of N.J.A.C. 13:45C-1.2 - 1.3, subjecting respondent to sanctions pursuant to N.J.S.A. 45:1-21(e).

Respondent's failure to provide documentation of continuing education for the June 1, 2011 – May 31, 2013 licensing cycle is interpreted as a failure to timely complete required continuing education in violation of N.J.A.C. 13:37-5.3, subjecting respondent to sanctions pursuant to N.J.S.A. 45:1-21(e) and (h).

Respondent's indication on his renewal application that he would complete all required continuing education by May 31, 2013, followed by his failure to provide documentation of the required continuing education, is interpreted as misrepresentation in violation of N.J.S.A. 45:1-21(b).

DISCUSSION

Based on the foregoing findings and conclusions, a Provisional Order of Discipline seeking a suspension, reprimand, and seven hundred and fifty dollars (\$750) in civil penalties was entered on August 15, 2014. Copies were served upon respondent via regular and certified mail. The Provisional Order was subject to finalization by the Board at 5:00 p.m. on the thirtieth day following entry unless respondent requested a modification or dismissal of the stated findings of fact and conclusions of law by setting forth in writing any and all reasons why said findings and

conclusions should be modified or dismissed and submitting any and all documents or other written evidence supporting respondent's request for consideration and reasons therefor.

Respondent replied to the Provisional Order of Discipline by providing the information about the criminal matter that the Board originally requested in its letter of inquiry. Respondent maintained that he responded to the original letter of inquiry but could offer no copy of his former response, proof of mailing, fax transmittal sheet, or any other evidence to support his claim. Respondent further maintains that he completed Pre-Trial Intervention and that the criminal matter was ultimately dismissed.

Regarding continuing education, respondent provided proof of completion of courses, but the documentation did not state that the courses had been approved or accredited as continuing education for nurses and indicated instead that the courses may have been in-service training. After being notified of the discrepancy, respondent completed continuing education and submitted acceptable documentation. Respondent used that continuing education to cure the deficiency of the previous biennial period and professed that in the future, he would timely complete required continuing education in compliance with the Board's regulations.

The Board reviewed Respondent's submissions and determined that further proceedings were not necessary and that no material discrepancies had been raised. The Board was not persuaded that the submitted materials merited further consideration. Inasmuch as respondent provided the information originally requested and cured the deficiency in his continuing education for June 1, 2011 – May 31, 2013 biennial period, the Board determined that suspension was no longer warranted.

However, the Board determined that respondent's failure to respond to the original inquiry, thereby necessitating the filing of the Provisional Order of Discipline, and review of respondent's subsequent reply months later, warrants imposition of a five hundred dollar (\$500) civil penalty. Additionally, respondent failed to demonstrate, to the satisfaction of the Board, that he timely completed 30 hours of continuing education within the June 1, 2011 – May 31, 2013 biennial period. For that, the Board has determined that a two hundred and fifty dollar (\$250) civil penalty is warranted. Additionally, the Board has determined that a reprimand is warranted for respondent's misrepresentation on his 2013 renewal application whereby he indicated that he had completed the 30 hours when he is unable to demonstrate that he did so.

ACCORDINGLY, IT IS on this 29 day of January, 2015,
ORDERED that:

1. A reprimand is hereby imposed upon respondent for the violation of N.J.S.A. 45:1-21(b).
2. A civil penalty in the amount of five hundred dollars (\$500) is hereby imposed for the violation of N.J.A.C. 13:45C-1.2 - 1.3, as well as a civil penalty of two hundred and fifty dollars (\$250) for the violation of N.J.A.C. 13:37-5.3, for a total penalty amount of seven hundred and fifty dollars (\$750). Payment shall be made by certified check, bank cashier check, or money order payable to "State of New Jersey," or by wire transfer, direct deposit, or credit card payment delivered or mailed to George Hebert, Executive Director, State Board of Nursing, P.O. Box 45010, Newark, New Jersey 07101. Any other form of payment will be rejected and will be returned to the party making the payment. Payment shall be made no later than twenty-one (21) days after

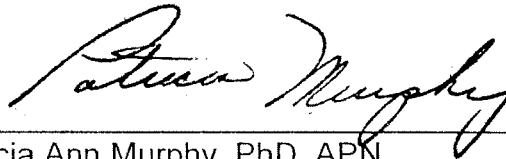
the date of filing of this Final Order of Discipline. In the event respondent fails to make a timely payment, a certificate of debt shall be filed in accordance with N.J.S.A. 45:1-24 and the Board may bring such other proceedings as authorized by law.

3. Continuing education completed after May 31, 2013 and applied to cure the deficiency of the June 1, 2011 – May 31, 2013 biennial period shall not also be used to satisfy the requirements of the June 1, 2013 – May 31, 2015 biennial period. Respondent shall complete an additional 30 hours of continuing education prior to May 31, 2015 to satisfy the requirements of the current biennial period.

4. The Board reserves the right to initiate disciplinary proceedings based upon respondent's reply regarding the underlying allegation (the criminal matter), as well as any new information received.

NEW JERSEY STATE BOARD OF NURSING

By:



Patricia Ann Murphy, PhD, APN
Board President